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April 20, 2012

BY ECF

Honorable Brian M. Cogan
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Claude Massiah and Natalie Mieles, individually and on behalf all others similarly situated v. MetroPlus Health Plan, Inc. and New York City Health and Hospitals Corporation
Docket No. 11 Civ. 5669 (BMC)

Dear Judge Cogan:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants New York City Health and Hospitals Corporation ("HHC") and MetroPlus Health Plan, Inc. ("MetroPlus") (collectively, "defendants") in the above-referenced action. Defendants write to respectfully request a one-week extension of time, from April 25, 2012 to May 2, 2012 to make a motion for reconsideration of this Court's April 9, 2012¹ decision which denied defendants' motion to dismiss or in the alternative for summary judgment and held that for purposes of the New York State Labor Law, defendants are not political subdivisions. Defendants will also move pursuant to FRCP 54(b) for entry of partial final judgment or in the alternative, pursuant to 28 U.S.C. §1292(b) to certify the April 9, 2012 order for appeal to the U.S. Court of Appeals for the Second Circuit on May 2, 2012. The extension is requested so that the parties can continue to explore settlement options before engaging in motion practice. Plaintiffs have consented to this request. This is defendants' first request for an extension of time to make a motion for reconsideration.

¹ It appears the Court has made a typographical error, as the decision is dated April 9, 2011. It was entered on April 11, 2012.

Thank you for your consideration of this request.

Respectfully submitted,



Ashley Hale
Assistant Corporation Counsel

cc: Justin M. Swartz, Molly Brooks, Melissa Pierre-Louis (by ECF)
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